



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF MEETING OCTOBER 21, 2015 PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on October 21, 2015, at its administrative building, located at 2643 E. University Drive, Phoenix, AZ.

### Board Members Present:

Mr. H. Jeffrey Coker, Chairman  
Sergeant Chris Andreacola, Tucson Police Department  
Mr. David Brown, Public Member  
Assistant Attorney General Donald Conrad, representing Attorney General Mark Brnovich  
Detention Director Mike Olson, Maricopa County Sheriff's Office  
Sheriff Bill Pribil, Coconino County Sheriff's Office  
Chief Alan Rodbell, Scottsdale Police Department  
Deputy Director Heston Silbert, representing Colonel Frank Milstead, AZ Department of Public Safety  
Professor Cornel Stemley, Grand Canyon University

### Board Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office  
Director Charles Ryan, AZ Department of Corrections  
Sergeant Timothy Williams, Cochise County Sheriff's Office

### Staff in Attendance:

Ted Brandon  
Annie Deer  
Mike Deltenre  
Marie Dryer  
Ivan Gelo  
Donna Gieber  
Sandy Hansberger  
Cathy Hawse  
Lynn Howe  
Steve Jacobs  
Lori Ketron  
Jack Lane  
Lyle Mann  
Frank Martinez  
Cathy Masters  
Sandy Sierra  
Chester Szoltysik  
Don Yennie

Assistant Attorney General  
Michael Saltz  
Seth Hargraves  
Christopher Munns, Solicitor General's Office

**A. Call to Order**

Chairman Coker called the meeting to order at 10:00 a.m.

**B. Introductions, Presentations and Announcements**

Executive Director Mann stated a Police Supervision class, with 36 students, is in attendance at today's meeting.

**C. Executive Director's Report**

A Nobility of Policing book was provided to all Board members. The book includes a DVD which showcases the book by showing various chiefs reading excerpts from the book. The DVD will be mailed to all agency heads and training coordinators and will also be provided to all major city chiefs at the International Association of Chiefs of Police meeting in Chicago next week.

Pending approval of today's revision to the rule promulgation package, there will be a meeting on December 15, 2015, at 12 pm at AZ POST to allow for public comment to the proposed rule changes.

He testified before the Body Camera Joint Legislative Committee regarding the use of body cameras. Phoenix PD and Lake Havasu City PD provided an excellent presentation on body cameras. The Committee will be holding a series of meetings concerning body camera usage and no final results are anticipated until all meetings have been completed. It is not believed at this time that the legislature will mandate body camera usage.

He attended a meeting regarding use of force training concerns. We are trying to find ways to augment and/or change our use of force training to get officers more involved and willing to use physical force to gain compliance vs. using the tools on their belt. Some agencies have provided suggestions on how we can improve on this training and we will be addressing this with our SMEs to see what we can do. Deputy Director Silbert stated the issue is giving officers more tools in a physical confrontation. The techniques and strategies being done today are not obsolete, but as fighting has progressed people have become more scientific and more adept at fighting and there are techniques out there that we should be taking advantage of in law enforcement to teach our people how to use their bodies to remedy a situation as opposed to just what is on their belt.

Revenues continue to fall; as a result meetings have been held with major stakeholders to discuss possibly asking the Legislature for assistance. Some cost cutting measures also discussed were cutting down on calendar schools for next year, looking at different housing for cadets at ALEA and not filling some vacant positions at POST.

Currently staffing at POST is down three major positions and will soon have a manager out on extended sick leave. There has been no word yet from the Boards and Commissions Office on Board appointments or reappointments.

**D. Accept, Reject or Modify the Revision to the Rule Promulgation Package approved on October 9, 2015**

On October 9, 2015, the Board reviewed and approved the proposed changes to the rule making package that will be submitted to the Secretary of State's Office once the rule promulgation process is completed. During this meeting there was a lengthy discussion concerning a new rule which would require officers to inform AZ POST if they were convicted of or plead guilty to any crime. A majority of the Board felt this requirement should fall on the agency, not the officer.

After further study, it was determined that the Board's enabling statutes could require agencies to report this information. By adding the modification to R13-4-108.A, this would limit the notice to the agencies.

Chief Rodbell made a motion that the change to R13-4-108.A.3 be appropriately incorporated into the Rules Package approved on October 9, 2015, seconded by Mr. Brown, motion carried unanimously.

**E. Final Action Cases:**

Case #1 – Ralph R. Woods – Phoenix Police Department

*Assistant A.G. Conrad recused himself from this case.* The Board considered comments from Assistant A.G. Seth Hargraves, Assistant A.G. Christopher Munns, and Eric Wilson, attorney for Ralph Woods. Mr. Brown made a motion to adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law and to include the modifications presented today, seconded by Deputy Director Silbert, motion carried unanimously.

Deputy Director Silbert made a motion to suspend peace officer certification for six months, giving credit for the four month suspension previously served, seconded by Professor Stemley, motion failed by a 2-5 vote. Detention Director Olson made a motion to revoke peace officer certification, seconded by Sheriff Pribil, motion carried by a 5-2 vote.

Case #2 – Brian D. Godbehere – Phoenix Police Department

The Board considered comments from Assistant A.G. Michael Saltz. Sheriff Pribil made a motion to adopt the Consent Agreement, Decision and Order for a six month suspension of peace officer certification beginning on March 3, 2015, and ending on September 3, 2015, seconded by Assistant A.G. Conrad, motion carried unanimously.

Case #3 – Joshua M. Ray – Maricopa County Sheriff's Office

*Detention Director Olson recused himself from this case.* The Board considered comments from Assistant A.G. Michael Saltz. Assistant A.G. Conrad made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sergeant Andreacola, motion carried unanimously.

Case #4 – Jesse A. Rich – Tucson Police Department

*Sergeant Andreacola recused himself from this case.* The Board considered comments from Assistant A.G. Michael Saltz. Chief Rodbell made a motion to adopt the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification, seconded by Sheriff Pribil, motion carried unanimously.

Case #5 – Jeremy J. Duvall – Bullhead City Police Department

The Board considered comments from Compliance Manager Jack Lane. Deputy Director Silbert made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Rodbell, motion carried unanimously.

**F. New Charging Cases:**Case #1 – Daren Roberts – Navajo Division of Public Safety

This case was tabled.

Case #2 – Danny C. Wilde – Graham County Sheriff's Office

The Board considered comments from Compliance Specialist Ted Brandon. Professor Stemley made a motion to close this case with **No Action with Agency Discretion**, seconded by Mr. Brown, motion carried unanimously.

Case #3 – Cody M. Howard – Glendale Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Assistant A.G. Conrad made a motion to **Initiate Proceedings** and to include rule violations R13-4-109(A)(8) and (9), seconded by Mr. Brown, motion carried by a 5-3 vote.

Case #4 – Leonard Jimenez Jr. – Maricopa Community College District

The Board considered comments from Compliance Specialist Mike Deltenre. Mr. Brown made a motion to **Initiate Proceedings**, seconded by Professor Stemley, motion carried unanimously.

Case #5 – Matthew S. Mitchell – Prescott Valley Police Department

The Board considered comments from Compliance Specialist Mike Deltenre. Professor Stemley made a motion to **Deny** peace officer certification, seconded by Deputy Director Silbert, motion carried unanimously.

Case #6 – Cisco J. Perez – Maricopa County Sheriff's Office

*Detention Director Olson recused himself from this case.* The Board considered comments from Compliance Specialist Mike Deltenre. Professor Stemley made a motion to **Initiate Proceedings**, seconded by Sheriff Pribil, motion carried unanimously.

Case #7 – Timothy L. Arndt – Phoenix Police Department

*Deputy Director Silbert recused himself from this case.* The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to **Initiate Proceedings**, seconded by Sheriff Pribil, motion carried unanimously.

Case #8 – Michael B. Cadriel – Cocopah Tribal Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Deputy Director Silbert made a motion to ***Initiate Proceedings***, seconded by Mr. Brown, motion carried unanimously.

Case #9 – Jesse J. Dean – Mohave County Sheriff’s Office

The Board considered comments from Compliance Specialist Steve Jacobs. Professor Stemley made a motion to ***Initiate Proceedings***, seconded by Mr. Brown, motion carried unanimously.

Case #10 – Gena L. Founds – Tolleson Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Deputy Director Silbert, motion carried unanimously.

Case #11 – David E. Hough – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Mr. Brown made a motion to ***Initiate Proceedings***, seconded by Sheriff Pribil, motion carried with one nay vote.

**G. Future Agenda Items**

Trends in training will be presented to the Board at a future meeting.

**H. Adjourn**

Chairman Coker adjourned the meeting at 12:09 p.m.